

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

UNITED STATES OF AMERICA, *ex rel.*  
ALEX DOE, Relator, THE STATE OF  
TEXAS, *ex rel.* ALEX DOE, Relator, THE  
STATE OF LOUISIANA, *ex rel.* ALEX DOE,  
Relator,

Plaintiffs,

V.

PLANNED PARENTHOOD FEDERATION  
OF AMERICA, INC., PLANNED  
PARENTHOOD GULF COAST, INC.,  
PLANNED PARENTHOOD OF GREATER  
TEXAS, INC., PLANNED PARENTHOOD  
SOUTH TEXAS, INC., PLANNED  
PARENTHOOD CAMERON COUNTY,  
INC., PLANNED PARENTHOOD SAN  
ANTONIO, INC.,

Defendants.

No. 2:21-cv-022-Z

Date: March 10, 2023

## DECLARATION OF DANNY S. ASHBY

I, Danny S. Ashby, declare and state as follows:

1. I am a partner at O’Melveny & Myers LLP and represent Defendant Planned Parenthood Federation of America, Inc. (“PPFA”) in the above-captioned action.
2. I am familiar with the claims and allegations in this litigation. I am over the age of 18 and have personal knowledge of the matters herein.
3. I make this declaration in support of Defendants’ Opposition to Relator’s Motion to Lift Stay for the Limited Purpose of Continuing Briefing on Already-Pending Motions. ECF No. 450. If called upon to testify, I could and would testify to the facts in this declaration.

4. On February 28, 2023, Heather Hacker, counsel for Relator, emailed counsel for PPFA; counsel for Planned Parenthood Gulf Coast, Inc., Planned Parenthood of Greater Texas, Inc., Planned Parenthood South Texas, Inc., Planned Parenthood Cameron County, Inc., and Planned Parenthood San Antonio, Inc. (“Affiliate Defendants”); and counsel for Texas. Ms. Hacker requested Defendants’ position regarding a motion to lift the stay the Court had recently entered for the limited purpose of continuing briefing on motions that were already pending before the stay was entered.

5. On March 1, 2023, Tirzah S. Lollar, counsel for Affiliate Defendants, responded to Ms. Hacker that Defendants would consent to the proposed motion provided that Plaintiffs agreed that the seal would also be lifted for the purpose of (1) permitting Defendants and Texas to continue to meet and confer regarding Texas’s compliance with the Court’s order at ECF No. 408 partially granting Defendants’ motion to compel, and (2) if needed, to permit Defendants to renew that motion to compel.

6. Ms. Hacker responded that same day declining to agree to this arrangement as “outside the scope of the relief that Relator is requesting.”

7. Counsel for Texas did not respond.

Executed on March 10, 2023, in Dallas, Texas.

/s/ Danny S. Ashby  
Danny S. Ashby